

## REMARKS

Claims 69 and 72-74 are amended, and the amendment language is supported by Fig. 21 of the originally-filed application. Claims 69-74 remain in the application. Reconsideration of the application in view of the amendments and the remarks to follow is requested.

Originally-filed Fig. 21 is amended to add reference numbers, and therefore, no new matter is added. The added reference numbers particularly point out first and second curved segments, 82 and 84, respectively, recited in claim 69. The specification is amended at page 15 to address the added reference numbers of Fig. 21, and therefore, no new matter is added.

Claim 73 stands rejected under 35 USC §112, first paragraph, for allegedly lacking a written description of "the first curved corners of the portion are elevationally above and between the sidewalls of the trench" (pg. 3 of paper no. 17) (emphasis by Examiner) (now amended to recited "first curved segments"). The Examiner is respectfully reminded that "[i]t is now well accepted that a satisfactory description may be in the claims or in any other portion of the originally filed specification....[and] possession may be shown in a variety of ways including...**the disclosure of drawings**". MPEP §2163, section I (emphasis added). Additionally, the Federal Circuit Court has addressed the issue stating that **drawings alone** may be sufficient to provide the "written description of the invention" required by the first paragraph of 35 U.S.C. §112. *Vas-Cath, Inc. vs.*

*Mahurkar*, 935 F.2d. 1555, 19 USPQ2d 1111, 1118 (Fed. Cir. 1991) (emphasis added).

Referring to Fig. 21 of the originally-filed application, the language of claim 73 is illustrated, and therefore, pursuant to the above authority, the written description requirement is satisfied. That is, Fig. 21 illustrates an isolation region 58 "having a portion outward of the trench and semiconductor substrate" as recited in independent claim 69 and "first curved segments of the portion are elevationally above and between the sidewalls of the trench" as recited in claim 73. Accordingly, the figures satisfy the written description requirement of the language of claim 73, and therefore, the §112 rejection is inappropriate and should be withdrawn.

Claims 69-74 stand rejected for being anticipated by an article authored by P.C. Fazan et al., entitled: *A Highly Manufacturable Trench Isolation Process for Deep Submicron DRAMs*. Independent claim 69 is amended to recite a portion outward of a trench, the portion comprises sidewalls, and the sidewalls comprise first and second curved segments. The claim further recites the first curved segment comprises a first apex directed away from the substrate and the second curved segment extends from the first curved segment to the oxide layer and comprises a second apex directed toward the substrate. Fazan teaches a field oxide filling a trench with a portion extending above a substrate, and the portion has a curved surface with generally a single, constant radius such that any selected apex of the portion is **directed away** from the substrate of Fazan

(Figs. 1(e-f)). In no fair or reasonable interpretation does Fazan teach or suggest a second curved segment comprises a second apex directed toward the substrate. Accordingly, it is inconceivable that Fazan teaches or suggests the sidewalls comprise first and second curved segments, and the second curved segment comprises a second apex directed toward the substrate as positively recited in claim 69. Fazan fails to teach or suggest a positively recited limitation of claim 69, and therefore, claim 69 is allowable.


Claims 70-74 depend from independent claim 69, and therefore, are allowable for the reasons discussed above with respect to the independent claim, as well as for their own recited features which are not shown or taught by the art of record.

Further, Applicant herewith submits a duplicate copy of the Supplemental Information Disclosure Statement and Form PTO-1449 filed in this application on January 22, 2003. No initialed copy of the PTO-1449 has been received back from the Examiner. To the extent that the submitted reference listed on the Form PTO-1449 has not already been considered, and the Form PTO-1449 has not been initialed with a copy being returned to Applicant, such examination and initialing is requested at this time, as well as return of a copy of the initialed Form PTO-1449 to the undersigned.

This application is now believed to be in immediate condition for allowance, and action to that end is respectfully requested. If the Examiner's next anticipated action is to be anything other than a Notice of Allowance, the undersigned respectfully requests a telephone interview prior to issuance of any such subsequent action.

Respectfully submitted,

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